

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD)(SN)
---	-----------------------

This document relates to:

August Bernaerts, et al. v. Islamic Republic of Iran, No. 1:19-cv-11865 (GBD) (SN)

DECLARATION BY RACHEL UCHITEL OF FAMILIAL RELATIONSHIP

I, Rachel Uchitel, declare under penalty of perjury, as provided for by 28 U.S.C. § 1746, that the following statements are true and correct:

1. My name is Rachel Uchitel. I was the fiancée and life partner of Andrew O’Grady (“Andy”) who died on September 11, 2001 (“9/11”) when the World Trade Center collapsed. I submit this Declaration in order to demonstrate that I was the functional equivalent of Andy’s wife.

2. I was born in Anchorage, Alaska in 1975. I moved to New York City with my mother when I was about five years old after my parents split up. My father Robert Uchitel was responsible for bringing cable television to Alaska. He died as the result of a drug overdose when I was fifteen. My mother is now a retired executive search professional. I went to college at the University of New Hampshire and majored in communications and psychology. I moved back to New York City after I graduated in 1996.

3. I took a job as an event planner for a small internet company, and I lived on the Upper West Side. In the fall of 1998, when I was just 23 years old, my good friend Alison set me up on a blind date with Andy, and my life changed completely and forever.

My Life With Andy

4. Andy was six years older than me, so he was 29 when we met. He worked as an investment banker at Sandler O'Neill. At the time we met, the six year difference in our ages seemed to me to be very significant. Andy was already an accomplished professional with an established career, and I felt that I was still a kid just starting out in life. In part because of our age difference, and in part because Andy was such a smart, kind and professionally accomplished person, I admired and looked up to Andy.

5. Andy and I fell in love, fast and deep. We quickly began building a life together. When I met Andy, he was sharing an apartment on the Upper East Side with his good friend Gil D'Andria. Gil and his then girlfriend (and now wife) Laurie, and Andy and I became almost inseparable.

6. Andy also became friends with many of my girlfriends. Some of them looked up to Andy as sort of a big brother figure who gave them good advice about their dating lives and their careers.

7. In the summer of 1999 Andy and I found a house to rent for weekends and vacations in Sands Point on Long Island. I couldn't contribute much financially, but we picked the house out together and it became a big part of our social life. We hosted our friends and family there, and we also spent a lot of the time nearby on a boat that was owned by Andy's good friend Rich. We continued to rent that house until the time of Andy's death.

8. Because I admired Andy so much, I wanted to become a part of his professional world. So I looked for jobs related to Wall Street. Among other things, I called Bloomberg News every day for five months straight to ask for a job. Finally, they gave in and gave me a job on the newsroom floor, and I eventually became a producer for Bloomberg News. I loved the

work. I learned a lot very rapidly, both about how to gather news and about how business works. Andy frequently helped me by teaching me about finance and Wall Street.

9. I got to know Andy's parents and his sister, who lived in New Jersey. Andy, in turn, got to know my family. Andy was especially close with my mother. The three of us – Andy, Mom and I – usually had dinner together two times a week.

10. In May of 1999 – about nine months after Andy and I had first met – Andy had his 30th birthday. I made a special video that was about 45 minutes long as a birthday gift for him. The video featured Andy's friends, family members, and colleagues from throughout his life talking about Andy and sending him birthday wishes. (The video even included the Coach of Andy's college swim team.) I gave copies of the video to many of our friends, and some of them have told me that they still have the video and treasure it to this day. The experience of making and then sharing that video brought me and Andy even closer together. We weren't married or even formally engaged yet, but by the time of Andy's 30th birthday we already knew that we'd be together for life, and that is how we acted with each other and with everyone we knew.

11. The following year – that is, the year 2000 – Andy and I moved in together. Our apartment was in the Solow building on East 66th Street, near my workplace. The 66th Street apartment was our home, and I contributed whatever I could to paying our household expenses.

12. We quickly settled into our new homes and life together. Andy became a Managing Director at Sandler O'Neill (which brought about a big change in our lives), and I became a producer at Bloomberg News. We spent weekdays in the City, and we spent most of our free time at Sands Point. We were together almost all the time, except when we were at work (or when Andy was playing golf).

13. We knew that we were going to get married and have a family. But I did not know exactly when or where Andy was going to propose.

14. We took a vacation together (which we called an early honeymoon) in Greece in late August and early September of 2001. As Andy later explained to me, he didn't want me to spend that trip wondering whether this day or that would be the day on which he was going to propose. So, not long before we left for Greece, Andy took me to the Central Park Boathouse. We took out a rowboat, and Andy asked me to marry him. (He tried to get down on one knee to propose; but, because Andy was a big guy, he almost tipped the boat over.) Immediately afterwards, Andy took me over to Docks Restaurant. All of our friends and family were already there because Andy had secretly arranged a surprise party to celebrate our engagement. It was a happy, wonderful evening. It seemed to us that – while we still had our wedding ceremony to look forward to – we were really already married for all intents and purposes. We had been together for three years, which was more than half of my adult life at the time. We shared a home and a vacation home together, we pooled our finances, we took good care of each other, and we enjoyed our common circle of family and friends.

15. We quickly started making wedding plans even before we went off on our Greek early honeymoon. We booked a venue for the wedding in Florida for May of 2002. I also picked out a wedding dress and made an appointment to go with my grandmother to Vera Wang on the afternoon of September 11 to have the dress fitted. Andy also spoke with the benefits people at Sandler O'Neill and began the process of naming me as the beneficiary of his life insurance policy at this time.

16. After Andy proposed and before we left for Greece. I purchased a dog named Mickey for Andy and me. Andy had previously been somewhat hesitant about getting a pet. But

when he saw how much I enjoyed caring for Mickey, Andy readily accepted the dog into our family. That was Andy – always kind and good to me.

17. Unfortunately, Mickey had some health problems that the seller had not disclosed, and Mickey died after spending just a few weeks with us. I was very sad and I recall talking with Andy and with my friends – questioning why Mickey had to die before his time.

18. Andy told me that in his view Mickey had died at the time that was intended for him, and that I should not grieve too long or think that Mickey's life had been cut short.

19. Later, after Andy died and at a time of great personal crisis, I remembered those words, and they gave me a measure of real comfort. And, although this might seem too sentimental, sometimes I think that perhaps Mickey died when he did so that Andy could teach me that important lesson about death and grieving before Andy's own passing.

20. We had a great two weeks in Greece, and we returned to New York on Sunday night, September 9, 2001. I remember getting our pictures from the trip developed at a one-hour photo shop on Monday, September 10, 2001.

September 11

21. I woke up very early (about 4:00 a.m.) on September 11th, as I usually did on work days. Andy woke up after I had finished showering and getting dressed and was almost ready to go to work. He told me that he wanted to take our new pictures from our trip to Greece with him to work that day to show to our friends at his office, and I agreed. I also made sure to hold on to the negatives myself.

22. As I was on my way out the door, Andy asked me for a kiss. I still remember as clear as day that I responded by saying that I'd just put my lipstick on, and that I'd kiss him later. Then I reminded Andy that we were having dinner with my Mom that evening, after I had my wedding dress fitted. That was the very last time I saw Andy.

23. Andy called me at Bloomberg shortly after he got to work, at about 7:45 a.m. just to say hi. He said that some of his friends at Sandler were kidding him because he had put on a little weight while we were on our trip to Greece and his hair had turned a funny shade of orange (because Andy had tried some “Sun In” on his hair while we were in Greece).

24. About an hour later the first plane struck the World Trade Center. There were television screens playing all over the floor at Bloomberg News, and so my colleagues and I watched the first Tower burning while we began to cover the story. At first, we believed that a small private plane had gotten lost and struck the World Trade Center by accident.

25. I was not worried about Andy. Almost every weekend, when we returned home to the City from Sands Point, Andy would point to the World Trade Center and mention that he worked in the Tower that did not have a steeple on top. I could see that the fire at the World Trade Center was in the Tower that did have a steeple, so I thought that Andy was safe.

26. I began making phone calls and doing research to cover the story. I called Andy and he described what he was seeing when he looked out from his office window. He told me that Sandler O’Neill’s employees had been instructed to remain in place and not to try to evacuate the building. We talked several times over the next few minutes, and it became apparent that the situation was much worse than we had thought at first. I remember Andy describing the huge fire and telling me that he had seen several people jump out of the burning Tower. Andy remarked how desperate things must be over there for people to be willing to jump to their certain deaths.

27. I relayed what Andy was telling on the phone to Dylan Ratigan, who was our Bloomberg on-air anchor that morning. As luck would have it, Andy was talking to me describing what Andy could see from his office window when the second plane struck. This

time it was Andy's Tower that was hit. I saw the huge fireball on the television screens on the newsroom floor, and Andy's telephone line went dead.

28. My mind immediately began to race trying to find a way to believe that Andy was still alive despite what I (and everyone else on the newsroom floor) had just seen. It seemed to me that the second plane had struck the Tower somewhere below where Andy's office was located on the 104th floor, so I hoped that Andy could make his way up to the roof and somehow be rescued there.

29. I kept trying to call Andy, but without success. It had not yet occurred to anyone that the Towers could simply collapse. So I tried to stay calm and remain hopeful that Andy would come through unharmed.

30. Then the unthinkable happened. Andy's Tower collapsed. I saw it on the TV screens on the newsroom floor. In essence, I saw Andy – the love of my life – killed on live television. I had been standing up at that moment, and I tried to sit down. But I somehow missed my desk chair, staggered backwards, and sank to the floor in shock. All my friends and colleagues at Bloomberg understood what had just happened to Andy, and they stared at me, dumbfounded.

31. Again, my mind went into overdrive, trying to come up with a scenario in which Andy had survived. I tried to calculate how much time Andy would have needed to walk down and out of the building after the second plane hit. As a logical matter, it did not seem at all likely that Andy had made it out in time before the Tower collapsed. But I refused to accept that logic.

Aftermath

32. The next few days are kind of a blur for me. I kept hoping against hope that Andy would somehow come home, or call, or be found still alive in the rubble. Like many people in my situation, I made up and circulated flyers asking whether anyone had seen Andy.

33. On Thursday the 13th, we heard a report that Andy might be at one of a number of hospitals, including Bellevue Hospital. So I went there with my mother and we waited on line to find out if Andy might possibly still be alive and in the hospital.

34. Of course, he wasn't. I was devastated all over again. Even so, when a number of reporters with camera crews asked me questions there at the hospital, I drew on my own experience in the news business and tried to give them useful, rational answers.

35. But once the questions stopped and the video lights turned off, I was overcome by a huge wave of pain and grief. I cried out to no one in particular: "Someone has to help me. I waited my whole life to find Andy. And now he's gone, and I don't know what to do."

36. Someone took a picture of me at that very moment, weeping. The photo soon appeared in newspapers all around the world, including the cover of the New York Post. (A copy of the picture is annexed as Exhibit ___ to the accompanying Declaration of Jerry S. Goldman, Esq.) I was on a national television program the following day because of the newspaper story.

37. Slowly, I came to accept the fact that Andy was really gone. A few weeks later we held a memorial service for Andy at the Boathouse in Central Park. More than 500 people came from all walks of life came, including my then-boss, Michael Bloomberg, who was running for Mayor at the time.

38. I could not afford to continue to live in our apartment, so I moved out. I also moved out of our Sands Point vacation home. I gave up our joint car lease too. The Red Cross gave me about \$100,000, which I used to help pay my bills and to make a down payment on a place of my own. I could not bear to go back to work for quite a while.

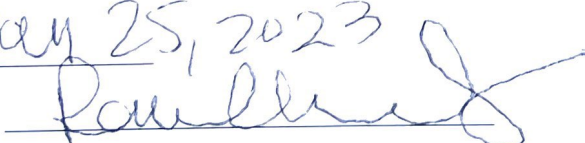
39. I also received some money from the original September 11th Victim Compensation Fund, but I cannot remember any of the particulars.

40. The September 11 attacks destroyed the life that Andy and I had made together. My grief was, and often still is, overwhelming. For a long time, I didn't know what to do with myself or with my life. And, even now, I sometimes still feel rudderless without Andy by my side.

41. In the years that have followed September 11 and Andy's death, I have made some very poor life choices – many of which have received a lot of bad publicity. My poor choices are my own fault, I know. But I also know that, but for the attacks of September 11, I would still be happily married today to Andy O'Grady, the great love of my life.

42. When I said goodbye to Andy early on the morning of September 11, I did not even dream that I would never see him again. Andy was my life, and I was his. I still feel his loss every day. Today, I am 48 years old and unmarried and still in therapy for post-traumatic stress disorder relating to Andy's death.

43. Andy and I were committed partners for life. We shared a deep and abiding love for one another. We considered each other family. Accordingly, I believe that I should be deemed the functional equivalent of Andy's wife.

Executed on: May 25, 2023
Name (Signature): 

Name (Print): Rachel Uchitel